

AMENDED IN ASSEMBLY APRIL 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2777

Introduced by Assembly Member Nation

February 25, 2002

An act to amend and repeal Section 31780.2 of the Government Code, relating to county employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, as amended, Nation. County employees' retirement: death benefits.

Under the County Employees Retirement Law of 1937, any death benefits, optional retirement allowances, or survivor's allowances accorded to a spouse, as specified, may be accorded to a domestic partner in San Mateo County, subject to approval by the county board of supervisors and certain limitations.

This bill would also make these provisions applicable to Santa Barbara County *and Marin County*, subject to approval by the *respective* county board of supervisors, and would delete a redundant provision of law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 31780.2 of the Government Code, as
2 added by Chapter 893 of the Statutes of 2001, is amended to read:

1 31780.2. (a) In a county of the 10th class ~~or the 16th class, the~~
2 ~~16th class, or the 18th class,~~ as defined in Sections 28020, 28031,
3 ~~and 28037 28037, and 28039,~~ any benefits accorded to a spouse
4 pursuant to this article and Article 11 (commencing with Section
5 31760), Article 15.5 (commencing with Section 31841), Article
6 15.6 (commencing with Section 31855), and Article 16
7 (commencing with Section 31861), or any of them, may be
8 accorded to a domestic partner, as defined in Section 297 of the
9 Family Code, and registered pursuant to Division 2.5
10 (commencing with Section 297) of the Family Code, provided that
11 the member and the member's domestic partner have a current
12 Affidavit of Domestic Partnership, in the form adopted by the
13 county board of supervisors, on file with the county for at least one
14 year prior to the member's retirement or death prior to retirement.

15 (b) In the event a member described in subdivision (a) has a
16 surviving dependent child, the surviving dependent child shall
17 receive the death and survivor's allowance until age 19 years or
18 until married, whichever occurs earlier, or until age 22 years if
19 attending an educational institution. When the member's
20 surviving dependent child reaches age 19 years or is no longer a
21 dependent, whichever occurs earlier, or reaches age 22 years if
22 attending an educational institution, then the benefits accorded to
23 a spouse, as specified in subdivision (a), may be accorded to a
24 domestic partner pursuant to this section. However, if a surviving
25 dependent child elects to receive a lump-sum payment, the
26 lump-sum payment shall be shared among any surviving
27 dependent children and the domestic partner, pursuant to this
28 section, in a proportional manner.

29 (c) This section ~~shall not be~~ *is not* operative unless and until the
30 county board of supervisors, by resolution adopted by a majority
31 vote, makes this section operative in the county.

32 SEC. 2. Section 31780.2 of the Government Code, as added
33 by Chapter 146 of the Statutes of 2001, is repealed.